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14. ABSTRACT Piracy is increasing at an alarming rate in the Gulf of Aden and off the Somali coast. Piracy in the Strait of Malacca region once ran rampant, but has steadily declined since 2003. It seems useful to apply the counter-piracy tactics used in this region to the Gulf of Aden area to attempt a decline in pirate attacks. An attempt to apply the counter-piracy tactics used in the Malacca region to the Gulf of Aden region will fail. The Strait of Malacca littoral states all have well-functioning, established governments which give them the ability to apply the rest of their counter-piracy "formula" of state-sponsored naval forces, regional intelligence sharing, surface surveillance radars, a court system and fighting the origins of piracy on land. The governments in the Gulf of Aden region are too preoccupied with political or economic strife to deal with counter-piracy. Until governmental stability is achieved, few counter-piracy tactics will prevail. Foreign forces have come to the aid of the region. These forces are enforcing the applications of the formula to compensate for the inability of the weaker governments to do so. This is the short-term solution until governmental stability is achieved in the region, giving the indigenous states the ability to police their own waters and enforce their own laws. Recommendations include U.N. Security Council Resolutions or agreements with littoral states to pursue pirates in their territorial waters or in the pirate havens ashore, and coordinated planning between USAFRICOM and USCENCOM for combining the land and sea counter-piracy tactics.					
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**THE STRAIT OF MALACCA FORMULA: SUCCESS IN COUNTER-PIRACY AND  
ITS APPLICABILITY TO THE GULF OF ADEN**

**by**

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**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

**Signature: \_\_\_\_\_**

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## **ABSTRACT**

Piracy is increasing at an alarming rate in the Gulf of Aden and off the Somali coast. Piracy in the Strait of Malacca region once ran rampant, but has steadily declined since 2003. It seems useful to apply the counter-piracy tactics used in this region to the Gulf of Aden area to attempt a decline in pirate attacks.

An attempt to apply the counter-piracy tactics used in the Malacca region to the Gulf of Aden region will fail. The Strait of Malacca littoral states all have well-functioning, established governments which give them the ability to apply the rest of their counter-piracy “formula” of state-sponsored naval forces, regional intelligence sharing, surface surveillance radars, a court system and fighting the origins of piracy on land.

The governments in the Gulf of Aden region are too preoccupied with political or economic strife to deal with counter-piracy. Until governmental stability is achieved, few counter-piracy tactics will prevail.

Foreign forces have come to the aid of the region. These forces are enforcing the applications of the formula to compensate for the inability of the weaker governments to do so. This is the short-term solution until governmental stability is achieved in the region, giving the indigenous states the ability to police their own waters and enforce their own laws.

Recommendations include U.N. Security Council Resolutions or agreements with littoral states to pursue pirates in their territorial waters or in the pirate havens ashore, and coordinated planning between USAFRICOM and USCENTCOM for combining the land and sea counter-piracy tactics.

*We may be dealing with a 17th Century crime, but we need to bring 21st Century solutions to bear.*

-Secretary Of State Clinton

## **INTRODUCTION**

Piracy has been a scourge to the maritime world for centuries. The United Nations Convention on the Law of the Sea (UNCLOS) states in Article 100 that all states have a duty to cooperate in the repression of piracy.<sup>1</sup> It is clear why all states should have an interest in combating piracy. This crime infringes on sea lanes of communication, blocks freedom of navigation and international trade, and can promote regional instability.<sup>2</sup> Piracy places innocent mariners' lives in danger and poses environmental hazards if ships are damaged or run aground during the action.<sup>3</sup> Concerns have also been raised as ships delivering goods for the United Nations World Food Programme have to transit through pirate-infested waters, ultimately endangering the arrival of necessary food aid. Lastly, there is a possibility of terrorist groups linking themselves to piracy in order to fund their radical interests or procure ships for ~~mobile bombs~~ in order to block straits or damage ports.<sup>4</sup>

In order to combat piracy, we need to look at areas that effectively fight piracy. By comparing the Strait of Malacca to other pirate-rich areas, we understand behind their stable governments, there exists a ~~formula~~ consisting of state-sponsored naval forces, regional intelligence sharing, surface surveillance radars, a court system and fighting the origins of piracy on land.

## **BACKGROUND**

The Strait of Malacca is one of the world's busiest trade routes. Bordered by Indonesia, Malaysia and Singapore, over 50,000 ships transit the strait every year.<sup>5</sup>

Geography and bottom topography make for extremely tight quarters and slow headway speeds for vessels transiting these waters. Ships became vulnerable to boarding as they travelled slowly through marked corridors. Because of these conditions, the Strait of Malacca was ripe for piracy. Indonesia had reported 121 attacks in 2003. However, in 2008 the International Maritime Bureau (IMB) reported only 28 attacks in the region. The number of pirate attacks declined each year since 2003.<sup>6</sup>

The Gulf of Aden is also a globally important shipping lane. Over 20,000 ships use these waters yearly in their transits to and from the Suez Canal. Seven percent of the world's oil transits the gulf, including 30 percent of Europe's total oil.<sup>7</sup> The Gulf of Aden is bordered by economically and politically troubled countries that do not have the capability for effective anti-piracy measures. The Gulf of Aden/east coast of Somalia is now the world-wide leader in pirate attacks. The IMB reported 111 incidents in 2008—up 200 percent from 2007. The first quarter of 2009 alone reports 102 incidents off the Somali coast.<sup>8</sup>

Many factors caused the dramatic drop in number of pirate attacks in the Strait of the Malacca, and it seems useful to apply these factors to the troubled Gulf of Aden. There are several elements to successfully combating piracy which worked in the Strait of Malacca. This —Malaccan formula” consists of stable governments which support state-sponsored naval forces, regional intelligence sharing, surface surveillance radars, court systems and denying pirates safe havens ashore. Unfortunately, any attempt to apply these —best practices” to the Gulf of Aden region will likely fall short because of governmental instability in the region. Without a stable government in place to support these key elements in combating piracy, the Gulf of Aden will be unable to mirror the success in the Strait of Malacca. Currently, foreign powers compensate for the lack of naval forces, intelligence

sharing, surface radars, court systems and land-based warfare; however, the long-term solution is for these countries to attain a stable government that is willing and able to control their own waters.

### **STRAIT OF MALACCA FORMULA TO COMBAT PIRACY**

Secretary of Defense Robert Gates states the biggest difference between the Strait of Malacca and the Gulf of Aden region is there are established governments with real capabilities in the Malacca area.<sup>9</sup> These bordering nations of Indonesia, Malaysia and Singapore are trade-rich and have the economic and political stability to develop and enforce effective anti-piracy measures. Admiral Keating, commander of U.S. Pacific Command, adds these governments are far more willing now than in years past to engage in multilateral, multinational operations.<sup>10</sup> Since these governments are well-established and functioning effectively, they provide the foundation for the formula.

Functioning and cooperating navies are the first elements of the formula. Indonesia and Malaysia have navies to use for maritime patrol, while Singapore has a coast guard type force patrolling its territorial waters. In 2004, the Malacca Strait Patrols (MSP) initiative was launched among the three countries to coordinate maritime patrols to better deter piracy. The MSP also began the “Eyes in the Sky” aerial surveillance program shared by the three countries.<sup>11</sup> In 2006, Japan led the creation of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP). The goal of ReCAAP was to enhance multilateral cooperation and facilitate operational cooperation. In addition to the three coastal states, 14 other countries signed the agreement.<sup>12</sup>

The second best practice in the formula is intelligence sharing. ReCAAP established the Information Sharing Centre (ISC) in Singapore, which serves as a regional information

exchange on incidents of piracy and analyzes the patterns and trends of these acts. When a piracy event occurs, the attacked ship can notify the nearest coastal state managing the incident pursuant to their national pre-planned response. The information is sent to the ISC who can disseminate the warning to other mariners.<sup>13</sup> As the events are further analyzed, the resulting intelligence can be shared with member states.

Aiding in the Malaccan success was the utilization of surface surveillance radars. These surveillance radars, situated along the coast of the Malacca strait, enhance the region's operational picture by tracking vessels as they transit the Strait and can identify suspicious vessels outside the traffic separation scheme.<sup>14</sup> Twelve of these sophisticated radars came from the U.S. government, along with training and technical support.

To effectively deter piracy, an active and effective court system is necessary for prosecution. Admiral Roughead, Chief of Naval Operations, stated in April, "You act at sea, but you have to have the rule of law present to be able to apprehend and prosecute pirates ashore."<sup>15</sup> Warships can be an effective deterrent, but once pirates are caught, there needs to be a judicial process to follow-through with prosecution. Indonesia, Malaysia and Singapore have long-standing law enforcement and court systems capable of apprehending and prosecuting pirates.

Fighting the pirates where they live has proven extremely successful for the Malacca region. Piracy around the world has one thing in common—pirates base their operations from the shore and will usually return to their safe havens after their "mission" is complete. Each country in the Malacca area recognizes this, and has increased coastal land patrols in order to defeat the pirates in their lairs. House Armed Services Committee Chairman Skelton agrees victory over the Malacca area pirates came when the pirates were denied safe havens



ashore.<sup>16</sup> The CNO agrees, stating, —. . The strategy has to be one of deterring and responding and disrupting activities at sea, but the solution is ashore.”<sup>17</sup> The coastal countries have well-established militaries and law enforcement and use them for these shore patrols. Because it is their territorial land, there is no question of jurisdiction or entry permission.

### **THE MALACCAN FORMULA IN THE GULF OF ADEN**

The first test of the formula to the Gulf of Aden is to study the region’s governments. For this comparison, we will discuss the countries of Eritrea, Yemen, Somalia, Kenya and Djibouti. As the following data shows, these countries and their governments are unstable and preoccupied with pressing civil matters.

Eritrea ranks 36<sup>th</sup> in the world on the 2009 Failed State Index as listed by the Fund for Peace. (The lower the number, the more “failed” the state is considered.) Though ranked the best of the four countries discussed in this section, the state suffers from mounting demographic pressures, sharp and/or severe economic decline, criminalization/delegitimization of the state, and progressive deterioration of public services.”<sup>18</sup> Eritrea has past and ongoing border disputes with Yemen, Djibouti, and Ethiopia. Though piracy is not as rampant off Eritrea’s coast as in other countries, the NATO Shipping Centre filed reports as recent as August 2009 citing suspicious skiffs and gunfire near the chokepoint of the Bab El Mandeb strait.<sup>19</sup>

Kenya ranks number 14 and suffers from state criminalization/delegitimization, demographic pressures and a massive movement of refugees which has created compound humanitarian emergencies.<sup>20</sup>

Yemen ranks number 18 with similar discrepancies in its governance.<sup>21</sup> Yemen has recently accused Iran of backing a rebel uprising. Al Qaeda fighters are arriving from Pakistan and Afghanistan and occupying lawless areas for launching pads for attacks against the government. According to U.S. officials, Yemen's fight against al Qaeda has become secondary to battling more pressing internal security threats within its own government.<sup>22</sup> The U.N. reports 100,000 people have been displaced.<sup>23</sup>

Djibouti ranks rather well at 74, but still has its own rifts in the government and has suffered the effects of a civil war within the last ten years.<sup>24</sup> Population food shortages exist, and the small population does not permit them to have a large military.

Somalia is ranked number one in the world as a failed state.<sup>25</sup> It has a U.S. recognized Transitional Federal Government (TFG) in place in Mogadishu, but the state has been run by warlords and tribal leaders for years. Puntland and Somaliland (large northern portions of the state) have autonomous governments in place and do not recognize the TFG. Although the TFG has a Foreign Minister to the United Nations, in April 2009 Secretary of Defense Gates suggested the government in Puntland has more of a capacity than the government in Mogadishu.<sup>26</sup> Al Shabab, an al Qaeda-based Somali insurgency group, continues attempts to topple the TFG—mainly with smuggled weapons from Yemen.<sup>27</sup>

The preceding data shows the lack of governmental stability in the region and the need for peace between tribal, ethnic, religious and social factions. For Somalia, little can be done on their part to combat piracy until a government is established and recognized. For Eritrea, Yemen and Kenya, other factors such as criminalization and mounting demographic pressures are overcoming the capabilities of these states which lead to little ability or desire to fight pirates. Secretary of Defense Gates reinforced this issue by stating, —The problem is

that in the Somalia area, we don't have governments like we had in Southeast Asia to be able to deal with the problem.”<sup>28</sup> If the first test of applicability of the Malaccan formula to the Gulf of Aden region is the existence of established, willing and able governments, then the Gulf of Aden region is starting off on the wrong foot. All aspects of fighting piracy start with a well-functioning government. Governmental instability causes detrimental effects on the naval forces, intelligence sharing, court systems and land-based counter-piracy warfare.

Coast guard and naval forces in the region are small or in their infant stages. Eritrea has a small naval force, but mainly uses it for enforcing fishing laws. As of May 2009, U.N. funds were helping develop the Somali Coast Guard. Unfortunately, the TFG seems more concerned with policing territorial waters for illegal fishing and toxic waste dumping than battling piracy.<sup>29</sup> As recently as mid-September, senior leaders from the Yemeni Navy and Coast Guard met with U.S. Navy flag officers. The visit was hoped to be the beginning of cooperation between Yemeni naval forces and the region's Combined Maritime Forces.<sup>30</sup> In June 2009, the Yemeni and Djiboutian navies joined a recently created all-Arab anti-piracy task force.<sup>31</sup> In Kenya, U.S. Naval War College professors assisted the Kenyan Navy and officers from Combined Joint Task Force-Horn of Africa in an educational program series focused on maritime safety and security. The last installment of the course occurred in mid-August 2009; therefore, results will not be immediately seen.<sup>32</sup> The Djiboutian Navy recently received U.S. led training regarding harbor security.<sup>33</sup> Each country is stepping up maritime actions in response to the increase in piracy and some promise is shown in the region for indigenous naval forces fighting piracy, but it is too early to tell.

The next element of the Malaccan formula is the sharing of information. Because the Gulf of Aden littoral states are not yet working together, there is no information or

intelligence sharing as seen in the ReCAAP ISC in Singapore. A U.N. Contact Group in September 2009 mentioned three anti-piracy information sharing centers will be started in Kenya, Tanzania and Yemen, but there is no word on how soon operations will begin or how the intelligence will be disseminated.<sup>34</sup>

The use of shore-based surface surveillance radars as seen in the Malacca case would not be feasible in the Gulf of Aden. The gulf is geographically different than the Strait of Malacca—hundreds of miles wide versus a relatively narrow passage. A possible placement of the radars may be in the narrow area of the Bab El Mandeb strait, but it would not be enough to enjoy the operational successes of the Malaccan formula.

As stated earlier, the rule of law and ability to prosecute through established court systems must be present to deter piracy. With regards to piracy off of Somalia, the CNO stated, “There’s no rule of law. There’s no order in Somalia. And it’s a very lucrative business right now.”<sup>35</sup> There is some hope for the future of prosecuting pirates since a number of countries recently struck agreements with Kenya to hold and prosecute piracy suspects when affected states are unable or unwilling to carry out the judicial process.<sup>36</sup> These agreements are very recent and no data is available to measure its success as of yet.

The final applicability test of the Malaccan formula is land-based warfare. Pirates need land bases in order to resupply and gain recruits. Ransoms and stolen goods can be brought back to the pirate leaders ashore. If hostages are taken, they can be held ashore with little expected harassment from maritime forces. Many believe the success in the Malacca area really came from the ability to deny pirates safe havens ashore. The need to deny safe havens ashore holds true for the Gulf of Aden/Somali coastal area as well. Two major U.S. officials, Secretary of Defense and Secretary of State agree. The Secretary of Defense

specifically stated, “I think ultimately the solution has to come from the landward side. . .”<sup>37</sup>

The Somali TFG also agrees. Foreign Minister Mohamed Omaar asserted the ultimate solution to piracy would come on land, combined with a stable Somali government.<sup>38</sup>

However, because the governments struggle to exist, suffer from both political and economic strife, and are either unwilling or unable to perform land-based counter-piracy warfare, the problem continues to steadily increase. The solution is for these regional governments to remedy their shortfalls and become strong leaders as seen in the Malacca region. Obviously, this is a long term solution, but piracy cannot be allowed to flourish until the problem is solved. This is where the rest of the world steps in.

#### **THE WORLD ASSISTS IN APPLYING THE MALACCAN FORMULA**

It is clear the Malaccan formula cannot be applied to the Gulf of Aden region due to the weakness of the governments and their inability to fight the pirates both ashore and in their territorial waters. However, world forces with the ability to provide military and/or economic aid have stepped in and compensated for the majority of the formula’s elements lost to the weaker governments. Stable governments are the key to the formula, but foreign forces provide the capabilities of naval forces, regional intelligence sharing, surface surveillance radars, court systems and fighting the origins of piracy on land.

Until the indigenous naval and coast guard forces are built up for counter-piracy operations, foreign forces will continue the duties of maritime patrol. The largest of these forces is Combined Task Force 151 (CTF-151) which became operational in January 2009. Admiral Gortney, commander of U.S. Naval Forces Central Command, U.S. FIFTH Fleet and Combined Maritime Forces created CTF-151. Admiral Gortney states these multi-national task force participants —suppōr goal of deterring, disrupting and eventually

bringing to justice the maritime criminals involved in piracy events.” CTF-151 patrols mainly in the Gulf of Aden, but is also active in the Arabian Sea, Indian Ocean and Red Sea deploying approximately 12 to 16 warships from 14 different countries with membership growing.<sup>39</sup>

CTF-151 is not the only multi-national counter-piracy naval force operating in the region. Operation OCEAN SHIELD is an extension of an active NATO naval counter-piracy task force whose goals are similar to those of CTF-151.<sup>40</sup> Likewise, the European Union (EU) has established its first naval force and deployed it to the Gulf of Aden region. Known as Operation ATALANTA, the force protects ships carrying World Food Programme aid to Somalia. Other countries, though not part of any combined task forces, have sent naval assets primarily for maintaining their own flagged merchant vessel interests and continued trade flow. Russia, China, Malaysia and India are among these lone naval assets.<sup>41</sup> With over 20 different countries supplying naval forces to combat piracy in the region, the Malaccan formula’s naval requirement has been satisfied through outside foreign forces.

Counter-piracy intelligence and information sharing are the next steps in the Malaccan formula, which were virtually non-existent among the indigenous states. With the arrival of CTF-151, NATO and EU naval forces, information sharing has begun. SHared Awareness and DEconfliction (SHADE) meetings held in Bahrain provide a forum for foreign navies to discuss information and coordinate counter-piracy efforts.<sup>42</sup> Other naval assets have this type of cooperation built into their stated goals or framework for operating in the region. Therefore, intelligence sharing as part of the Malaccan formula is answered by foreign navies until the three indigenous ISCs are fully functional.

The coastal surface surveillance radars that worked so well in the Malaccan formula are not appropriate for the Gulf of Aden region. However, there is a solution in place. Currently, each naval asset patrolling the waters employs surface search radar. Although each ship's radar is limited in range, contact information is shared among units. This provides a radar "net" of all the contacts in the area, and any suspicious contact can thus be investigated. Use of radar is effective for detecting vessels in counter-piracy operations, and fulfills that portion of the Malaccan formula.

A court system with the ability to prosecute pirates is the next step in the formula. House Armed Services Committee Chairman Skelton stated, "Until a long term solution to the lack of governance in Somalia is found, the only way we can sufficiently protect our interests in the region is by seeking out the criminals who are responsible for these attacks and hijackings and bring them to justice."<sup>43</sup> Sufficient foreign powers are present to catch pirates in the act, but follow-up prosecution is lacking. For example, in April 2009, Dutch NATO forces rescued hostages from pirates, but then released the pirates because no policy existed within NATO framework to hold them. Chairman Skelton has called for a single set of rules of engagement for all forces in the region to refrain from another instance of freeing pirates.<sup>44</sup> The Department of State has the same viewpoint. Andrew Shapiro of the Bureau of Political-Military affairs commented many countries have inadequate or obsolete laws regarding piracy, and those with sufficient court systems and laws choose not to pursue prosecution. Shapiro also stated the U.S. prosecution of the pirate from the *Maersk Alabama* incident shows U.S. resolve, and should serve as an example to the world.<sup>45</sup> In addition, the United Nations established a Contact Group to consider international or regional mechanisms for pirate prosecution.<sup>46</sup> As previously mentioned, Kenya recently entered into agreements

with several countries to hold and prosecute piracy suspects; however, not all countries belong to these pacts and there is currently no measure of success.

U.N. Security Council Resolutions regarding prosecution of pirates off the coast of Somalia exist as far back as June 2008. Resolution 1846 of December 2008 asks all states to assist —in determining jurisdiction, and in the investigation and prosecution” of pirates and to provide —disposition and logistics assistance” in turning over detained personnel.<sup>47</sup> It further urges all signatories of the 1988 Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) to fulfill their obligations. SUA —provides for parties to create criminal offences, establish jurisdiction, and accept delivery” of suspected pirates.<sup>48</sup> Resolution 1851 also of December 2008 notes pirates are being released because of a lack of understanding of prosecution issues. Resolution 1851 also recommends all forces operating in the region to strike agreements with willing countries that will assist in bringing the pirates to justice.<sup>49</sup> This recommendation resembles the Kenya agreements. Much is being done to remedy the lack of pirate prosecution situation in the Gulf of Aden region, but it will take some time to fully implement a system of justice for each pirate captured. The court system application of the Malaccan formula is in work, and may soon enjoy the same successes as in the Malaccan region.

The last application of the Malaccan formula in which the world can assist the Gulf of Aden states is land-based warfare. Some states in the region are too preoccupied with political or civil unrest to worry about fighting pirates from the shore, while others do not have the capability to effectively patrol their shores. Because Somalia lacks a stable government and their law enforcement ability is weak, their authority is recognized by few Somalis. However, there are ways for foreign nations to help deny pirates safe havens ashore



even though the land is not their territory. One such way is through U.N. Security Council Resolutions.

The Somali TFG recognized midyear in 2008 they needed help in combating piracy off their coast and inside their territorial waters. Through Resolution 1816 Somalia asks for international assistance and gives advance permission for forces to pursue pirates into their territorial seas.<sup>50</sup> Resolutions 1846 and 1851 reiterate and renew the advance permission and contain a clause that would allow land-based counter-piracy operations upon the request of the TFG and notification of the Secretary-General.<sup>51</sup> However, this clause has been utilized very little. In April 2009, Chairman Skelton urged the President to take advantage of the resolutions by conducting land-based operations in Somalia to deny pirates safe havens ashore. The Chairman explains even small-scale operations would suffice because in many cases the cities, and even names, of the pirates are known.<sup>52</sup> No similar Security Resolutions exist for other coastal states in the region. Many officials have said the solution to eradicating piracy remains on the shore, and these Security Resolutions for Somalia open up a door for international forces.

### **COUNTER ARGUMENTS**

Counter arguments do exist for both regions. Wendell Minnick, the Asia Bureau Chief for *Defense News*, points to the 2004 tsunami for the decrease in pirate attacks. Minnick states the tsunami damaged such a large number of small boats used by the pirates that they had no means to perform the activity.<sup>53</sup> Minnick also cites the 2005 peace agreement between Aceh region separatists and the government of Indonesia was responsible for the decrease in piracy, alluding that the separatists were performing most of the attacks.<sup>54</sup>

Much research and analysis has been presented in this paper on the diplomatic, informational, military, and economic elements of fighting piracy. But pirates are attacking commercial ships, not naval forces. Commercial shipping arguably has a responsibility in this matter. Commercial shipping is a business. Changing a shipping route to avoid pirate-rich areas burns more fuel, takes more time, and costs more money. Providing armed security teams onboard vessels costs money. Merchants need to follow the best practices put out by organizations such as the International Maritime Organization (IMO) and heed the advice from task forces present in the region instead of following risky actions that invite piracy but gain profit. Multi-million dollar ransoms are being paid to pirates on a regular basis, which fuels the pirate crisis and results in recruitment. Flagged vessels' countries need to confront the hijackers, and if they cannot, they need to work with CTF-151 or other naval forces to step in. The United States involvement in the *Maersk Alabama* incident is germane. Lastly, all pirate incidents need to be reported. At times, vessels are pirated or boarded for quick cash and valuables. Certain companies feel reporting these crimes will only raise the insurance premium for their ships, ultimately causing a loss in profits. Failure to report incidents results in those task forces working to eradicate piracy to lose trend analysis and information sharing capabilities.

## **CONCLUSIONS**

An operational-level commander charged with battling piracy in the Gulf of Aden/Somali coast region will undoubtedly be looking for historical solutions to fighting the age-old crime. It is easy to look at the success in fighting piracy in the Strait of Malacca region and attempt a cookie-cutter approach to applying it in the Gulf of Aden area. By examining each portion of the Malaccan formula, analysis shows the Gulf of Aden region is

unable to apply the formula and enjoy a decline in piracy. The biggest reasons for the inability to apply the formula are the lack of willing and able governments and inability to deny pirates safe havens ashore. International assistance makes up for the rest of the elements of the formula, but it can only go so far—foreign navies and foreign aid should only be a stopgap until coastal nations can police their own waters. The forces in use in the region cannot be sustained indefinitely. As of September 2009, Admiral Gortney was already looking a year out to see from where he will obtain the naval assets for CTF-151. He adds, —This is expensive.”<sup>55</sup> The region’s ability to police their own waters can come only after governments in the region have stabilized, are capable of managing militaries, and are able to fight piracy instead of insurgents and warlords. Regional government stabilization is a long-term solution, but the international collective can provide short-term assistance.

## **RECOMMENDATIONS**

U.N. Security Council Resolutions exist for Somalia to allow international assistance in the fight against piracy in their territorial waters and on land with TFG permission. No other coastal states have this agreement in place. Other coastal nations should be approached and agreements made as to use of territorial waters or partnerships in land-based warfare to fight pirates. The majority of pirates encamp on the Somali shores and cities, but much of the Yemeni coastline is lawless and could easily serve as a pirate haven. Pirates can also easily retreat into Eritrean territorial waters after attacks in the Bab El Mandeb Strait. A regional partnership, involving all the coastal nations, needs to be in place to work with the foreign forces and create rules productive for counter-piracy. These agreements would allow limited pursuit into territorial waters and acceptance of pirates for prosecution. U.N. resolutions may not even be necessary if the agreements are strong enough.

U.N. resolutions allow for land attacks on Somali pirates in concert with TFG support, yet newspapers are only reporting on high-dollar ransoms paid for hijacked ships. There are very few stories reported on commandos storming beaches, scuttling skiffs, and destroying rocket-propelled grenades and high-frequency radios. The invasions of the pirates' home territories would serve as an excellent deterrent for future pirate operations. The resolution seems clear—Somali wants help in fighting piracy, and they ask only for notification before land warfare initiatives. If this is a matter of a lack of intelligence on where or who to attack, then intelligence gathering needs to become a priority. These land attacks need to be in concert with the Somali Police Force or other TFG representatives to allow the Somalis to gain training and legitimacy in their constituents' eyes. For example, taking the shores of Tripoli was necessary to defeat the Barbary pirates. Chairman Skelton agrees, stating —.like the pirates of the past, they will only retreat as far as they are pushed.”<sup>56</sup> Land warfare is necessary to eradicate the origins of piracy.

When land warfare is to be conducted, a lead nation must be identified. Options include an all U.S. led operation or a shared mission with other forces as in CTF-151. Also, the lead nation could be the responsibility of the state whose ship was pirated or even the state of the hostages. CTF-151 members have the largest military presence in the region and the best capacity to perform the strike. Decisions need to be made quickly. Somalia is in a unique situation as it falls under the USAFRICOM Area of Responsibility, but the combined task force patrolling the waters off Somalia is directed by USCENTCOM. Much coordination is necessary for any type of operation spanning a waterborne assault on the Somali coast. USAFRICOM and USCENTCOM must plan together any assaults and be prepared to include Somali and multinational forces as necessary.

## NOTES

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